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June 9, 2022

BY ECF

Honorable Vera M. Scanlon
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Payamps v. City of New York, et al.
22-CV-00563 (AMD) (VMS)

Your Honor:

I am a Senior Counsel in the Office of the Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, and the attorney representing defendants the City of New York ("City"), Mayor Bill de Blasio, Commissioner Dermot Shea, and NYPD Chief of Department Terence Monahan (collectively "defendants") in the above-referenced matter. The City writes to respectfully request a 14-day enlargement of time, from June 13, 2022, until June 27, 2022, to answer or otherwise respond to the complaint. The City also requests that the Court, *sua sponte*, enlarge the time, from June 13, 2022, until June 27, 2022, for defendants Lance, Johnson, and Auguste (collectively "individual defendants") to answer or otherwise respond to the complaint. This is the second request for an enlargement of time to respond to the complaint. This extension will not disturb any other Court deadlines or conferences. Plaintiffs consent to this request

This Office requests that the Court extend the time for the City and individual defendants to respond to the Complaint so that the Office will have additional time to make determinations about the representation of the individual defendants pursuant to the General Municipal Law. Despite our best efforts, this Office has not been able to determine representation for all of the individual defendants at this time. *See* General Municipal Law § 50(k); *Mercurio v. City of New York, et al.*, 758 F.2d 862, 864-65 (2d Cir. 1985); *Williams v. City of New York, et al.*, 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (stating that the decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law). Should the Court afford the City and all individual defendants that this Office may potentially represent the opportunity to respond to the Complaint together, it would promote efficiency and judicial economy as it would

likely obviate the need for the filing of multiple separate pleadings and allow the matter to proceed on a succinct timeline.

Accordingly, the City respectfully requests an extension, and a corresponding *sua sponte* enlargement of time for the individual defendants, until June 27, 2022, to answer or otherwise respond to the complaint.

Defendants thank the Court for its time and consideration of this request.

By: 
Michael Pesin-Virovets
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cc: **By ECF**
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